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EXAMINER
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ART UNIT	PAPER NUMBER
2458	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/559,890	SCHMIDT ET AL.
Office Action Summary	Examiner	Art Unit	
	HARUNUR RASHID	2458	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2009*.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>29-55</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>29-55</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 29-55 are pending in this examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 29-36, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated

by Kalra et al. (herein after Kalra) US Patent: No.: 5953506.

Referring to claim 29, Kalra discloses a method for transmitting messages in a

communication network, comprising:

transmitting a transmission message containing one or more useful data objects

to a switching component for forwarding to a first telecommunication device (fig. 1 and

2A; col. 4, lines 14-32; e.g. item 12 (multimedia data) transmitting to item 22 (multimedia

device) via item 14 (Adaptive digital streams format)).

creating a plurality of variants of the one or more useful data objects in the

switching component as a function of one or more parameters (fig. 2A, item 14A-14AN;

col. 4 lines 15-35; various components; also see col. 2, line 18-24); and

informing the first telecommunication device of the availability of the plurality of

variants of the one or more useful data objects for transmission to the first

telecommunication device (fig 2B, item 20; col. 4, lines 25-5; transmits these selected

streams to the multimedia device; also see col. 2, line 8-14 and lines 30-45; col. 15,

lines 1-30).

Referring to claim 30, Kalra discloses the method according to claim 29, further

comprising:

      transmitting a delivery request message requesting a specific variant of the one

or more useful data objects from the first telecommunication device to the switching

component (fig. 2B, col. 3, lines 15-35; e.g. user profile send to item 20; Abstract); and

      transmitting a delivery message containing the requested variant of the one or

more useful data objects from the switching component to the first telecommunication

device (fig. 2A and 2B; col. 4, lines 25-33; based upon that desired resolution profile,

select the appropriate base and additive streams from the available adaptive digital data

streams associated therewith. Stream management module 20 then transmits these

selected streams to the multimedia device; also see col. 2, line 8-14).

Referring to claim 31, Kalra discloses the method according to claim 29, wherein the

step of informing the first telecommunication device comprises:

      generating respective recipient notification messages assigned to a specific

variant of the one or more useful data objects (col. 2, lines 8-14; also see fig. 2B, col. 3,

lines 15-35; e.g. user profile send to item 20; also see fig. 2A, item 14A-14AN;

Abstract); and

transmitting the respective recipient notification messages from the switching

component to the first telecommunication device (fig. 2A and 2B; col. 4, lines 25-33;

based upon that desired resolution profile, select the appropriate base and additive

streams from the available adaptive digital data streams associated therewith. Stream

management module 20 then transmits these selected streams to the multimedia

device; also see col. 2, line 8-14).

Referring to claim 32, Kalra discloses the method according to claim 29, wherein the

parameters include parameters with information about the individual characteristics of

the telecommunication device and in particular about applications provided on the

telecommunication device (col. 2, lines 8-14, profile; also see col. 4, lines 15-35 and

lines 50-60).

Referring to claim 33, Kalra discloses the method according to claim 29, wherein the

parameters include parameters with information about the individual preferences of the

recipient (col. 2, lines 8-14, profile; also see col. 4, lines 15-35; and lines 50-60).

Referring to claim 34, Kalra discloses the method according to claim 29, wherein the

parameters include parameters with descriptive information, which includes the

significance of useful data objects contained in the transmission message and/or the

relationships between contained useful data objects (Abstract; also see col. 2, lines 17-

13 and 30-50).

Referring to claim 35, Kalra discloses the method according to claim 29, wherein the

transmission message is transmitted from a second telecommunication device to the

switching component (fig. 2B, col. 3, lines 15-35; e.g. user profile send to item 20; also

see col.2, lines 60-63; e.g. many client devices; Note: in the example use only one

device however col.2 lines 60-63 discloses many devices).

Referring to claim 36, Kalra discloses the method according to claim 35, wherein the

transmission message, delivery request message, delivery message, and recipient

notification messages are transmitted in the context of the multimedia messaging

service between the first telecommunication device and the switching component and/or

the second telecommunication device and the switching component (fig. 2A and 2B; col.

4, lines 25-33; based upon that desired resolution profile, select the appropriate base

and additive streams from the available adaptive digital data streams associated

therewith. Stream management module 20 then transmits these selected streams to the

multimedia device; also see col. 2, line 8-14 and lines 30-50, col. 4, lines 45-65) .

Referring to claim 39, Kalra discloses the method according to claim 35, wherein

messages to and from the first and/or second telecommunication device are transmitted

by means of the WAP protocol WSP and/or the hypertext transfer protocol (col. 15, lines

10-31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 37, 38 and 4-43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kalra as applied above claim, in view of Puskala US Pub No.:

20020165024A1.

3.   Referring to claim 37, Kalra discloses the invention as described above. Kalra

does not explicitly disclose the messages to and from the first telecommunication device

and/or the second telecommunication device are sent via an air interface. However,

Puskala disclose the messages to and from the first telecommunication device and/or

the second telecommunication device are sent via an air interface ([0033]; any type of

wireless communication; radio).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Puskala with the teaching of Kalra by including the

feature of air interface, in order for Kalra's system to send info via wireless such as air

interface which may save system processing time, resources and gain efficiencies.

Referring to claim 38, Kalra discloses the invention as described above. Kalra does not

explicitly disclose the first and/or second telecommunication device comprises a radio

module. However Puskala discloses the first and/or second telecommunication device

comprises a radio module ([0033]; radio).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Puskala with the teaching of Kalra by including the

feature of air interface, in order for Kalra's system to send info via wireless such as

radio module which may save system processing time, resources and gain efficiencies.

Referring to claim 40, Kalra discloses the invention as described above. Kalra does not

explicitly disclose the first telecommunication device is part of a first telecommunication

network. However Puskala discloses the first telecommunication device is part of a first

telecommunication network ([0033]).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Puskala with the teaching of Kalra by including the

feature of the first telecommunication device is part of a first telecommunication

network, in order for Kalra's system to access information all in one place which may

save system processing time, resources and gain efficiencies.

Referring to claim 41, Kalra discloses the invention as described above. Kalra does not

explicitly disclose the first telecommunication network is configured as a mobile radio

network, operating according to the GSM, GPRS, EDGE, UMTS, or CDMA standard.

However Puskala discloses the first telecommunication network is configured as a

mobile radio network, operating according to the GSM, GPRS, EDGE, UMTS, or CDMA

standard ([0033];CDMA).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Puskala with the teaching of Kalra by including the

feature of CDMA standard, in order for Kalra's system to use different kinds of standard

such as CDMA which may include different kinds of devices.

Referring to claim 42, Kalra discloses the invention as described above. . Kalra does not

explicitly disclose the switching component is configured as part of a second

telecommunication network connected coupled to the first telecommunication network,

which operates under the hypertext transfer protocol. However Puskala discloses the

switching component is configured as part of a second telecommunication network

connected coupled to the first telecommunication network, which operates under the

hypertext transfer protocol (fig. 1, item 43; [0038]).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Puskala with the teaching of Kalra by including the

feature of hypertext transfer protocol, in order for Kalra's system to use hypertext

transfer protocol which give user more choices to use system.

Referring to claim 43, Kalra discloses the invention as described above. Kalra does not

explicitly disclose the first and second telecommunication networks are connected

coupled together by a WAP gateway. However Puskala discloses the first and second

telecommunication networks are connected coupled together by a WAP gateway (fig. 1, item 50; [0038]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Puskala with the teaching of Kalra by including the feature of WAP gateway, in order for Kalra's system to access information all in one place which may save system processing time, resources and gain efficiencies.

Claims 44-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra as applied to claim above in view of Prenzel et al., (herein after Prenzel) US Pub No.: 2003/0096598A1

4.   Referring to claim 44, Kalra discloses the invention as described above. Kalra does not explicitly disclose the recipient notification message is transmitted to the telecommunication device by WAP push. However, Prenzel discloses the recipient notification message is transmitted to the telecommunication device by WAP push ([0022]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of WAP push in order for Kalra's system to access messaging content such as pictures, text combined with images and/or sounds which may saving system processing time, resources and gain efficiencies.

Referring to claim 45, Kalra discloses the invention as described above. Kalra does not

explicitly disclose the switching component is configured as an MMS relay server.

However Prenzel discloses the switching component is configured as an MMS relay

server ([0021] also see [0022], [0042]).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Prenzel with the teaching of Kalra by including the

feature of MMS relay server in order for Kalra's system to access messaging content

such as pictures, text combined with images and/or sounds which may saving system

processing time, resources and gain efficiencies.

Referring to claim 46, Kalra discloses the invention as described above. Kalra does not

explicitly disclose recipient notification messages, which are assigned to variants of

useful data objects of a specific transmission message, comprise specific standard

identification information. However, Prenzel discloses recipient notification messages,

which are assigned to variants of useful data objects of a specific transmission

message, comprise specific standard identification information ([0051]).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Prenzel with the teaching of Kalra by including the

feature of standard identification information, in order for Kalra's system to access

specific messaging content such as pictures, text combined with images and/or sounds

which may saving system processing time, resources and gain efficiencies.

Referring to claim 47, Kalra discloses message generated by the switching component

for the variants of the one or more useful data objects of a transmission message (fig.

2A, item 14A-14AN; col. 4 lines 15-35; various components; also see col. 2, line 18-24).

Kalra does not explicitly disclose the recipient notification messages, which are

assigned to variants of useful data objects of a specific transmission message, further

comprise total information, indicating the total number of recipient notification

messages. However, Prenzel discloses the recipient notification messages ([0042]),

which are assigned to variants of useful data objects of a specific transmission message

([0043]), further comprise total information, indicating the total number of recipient

notification messages ([0043]).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Prenzel with the teaching of Kalra by including the

feature of notification messages, in order for Kalra's system to access specific

messaging content such as pictures, text combined with images and/or sounds which

may saving system processing time, resources and gain efficiencies.

Referring to claim 48, Kalra discloses the invention as described above. Kalra does not

explicitly disclose different recipient notification messages have sequence information,

which contains the sequence of the variants of the one or more useful data objects

generated by the switching component. However, Prenzel discloses different recipient

notification messages have sequence information, which contains the sequence of the

variants of the one or more useful data objects generated by the switching component
([0043]).

It would have been obvious to one of ordinary skill in the art at the time of
invention to combine the teaching of Prenzel with the teaching of Kalra by including the
feature of sequence information, in order for Kalra's system to stay connected with
mobile devices with specific information which may save system processing time,
resources and gain efficiencies.

Referring to claim 49, Kalra discloses the invention as described above. Kalra does not
explicitly disclose the different recipient notification messages have differentiation
information, which indicates whether a variant of a useful data object assigned to a
respective recipient notification message is the original variant contained in the
transmission message or a modified variant. However, Prenzel discloses the different
recipient notification messages have differentiation information, which indicates whether
a variant of a useful data object assigned to a respective recipient notification message
is the original variant contained in the transmission message or a modified variant
([0021]).

It would have been obvious to one of ordinary skill in the art at the time of
invention to combine the teaching of Prenzel with the teaching of Kalra by including the
feature of different recipient notification messages have differentiation information in
order for Kalra's system to reduced traffic channel and time saving which may saving
system processing time, resources and gain efficiencies.

Referring to claim 50, Kalra discloses the invention as described above. Kalra does not

explicitly disclose the sequence information in the different recipient notification

messages indicates which of the recipient notification messages relates to the

unmodified original version of the at least one useful data object or the transmission

message. However, Prenzel discloses the sequence information in the different

recipient notification messages indicates which of the recipient notification messages

relates to the unmodified original version of the at least one useful data object or the

transmission message (Paragraph 0021).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Prenzel with the teaching of Kalra by including the

feature of sequencing information in the different recipient notification messages, in

order for Kalra's system to reduced traffic channel and saving time which may saving

system processing time, resources and gain efficiencies.

Referring to claim 51, Kalra discloses the invention as described above. Kalra does not

explicitly disclose the identification information and/or the total information and/or the

sequence information is provided under a respectively independent header field in a

recipient notification message. However, Prenzel discloses the identification information

and/or the total information and/or the sequence information is provided under a

respectively independent header field in a recipient notification message ([0013]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of header field in order for Kalra'S system manage transmission reference which may contain transmission time, source, file size, images, and sounds.

Referring to claim 52, Kalra discloses the invention as described above. Kalra does not explicitly disclose the identification information and/or the total information and/or the sequence information together is coded in a recipient notification. However, Prenzel discloses the identification information and/or the total information and/or the sequence information together is coded in a recipient notification message ([0042]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang and Becker by including the feature of coding identification information and/or the total information and/or the sequence information together in a recipient notification message in order for Kalra'S system manage transmission reference which may contain transmission time, source, file size, images, and sounds.

Referring to claim 53, Kalra discloses the invention as described above. Kalra does not explicitly disclose the identification information and/or the total information and/or the sequence information is processed by the first telecommunication device on receipt of a respective recipient notification message. However, Prenzel discloses the identification information and/or the total information and/or the sequence information is processed by

the first telecommunication device on receipt of a respective recipient notification

message ([0043]).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Prenzel with the teaching of Kalra by including the

feature of identification information in order for Kalra'S system to manage transmission

reference which may contain transmission time, source, file size, images, and sounds.

Referring to claim 54, Kalra discloses the invention as described above. Kalra does not

explicitly disclose variants for transmission by the switching component are displayed

on a user interface so that a user can select one or more variants and request

transmission by the switching component. However, Prenzel discloses variants for

transmission by the switching component are displayed on a user interface so that a

user can select one or more variants and request transmission by the switching

component ([0004]).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Prenzel with the teaching of Kalra by including the

feature of displaying variants on a user interface so that a user can select one or more

variants in order for Kalra's system to manage the multimedia messages.

Referring to claim 55, Kalra discloses the invention as described above. Kalra does not

explicitly disclose the useful data objects contain text information, audio information,

video information, executable programs, software modules or a combination of such

information. However, Prenzel discloses the useful data objects contain text

information, audio information, video information, executable programs, software

modules or a combination of such information (Paragraph 0003, Lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teaching of Prenzel with the teaching of Kalra by including the

feature of audio information, video information, or a combination of such information in

order for Kalra's system to utilize different kinds of media and which saving system

processing time, resources and gain efficiencies.

Response to Arguments

5.   The objection of the specification is hereby withdrawn; since Applicants'

corrected the specification.

6.   Applicant's arguments have been fully considered but they are not persuasive.

7.   On page 8 of the Applicant's Response, applicants argue that "the cited art does

not show all the elements of the present Claims. a) transmitting a transmission

message containing one or more useful data objects to a switching component for

forwarding to a first telecommunication device" The Examiner respectfully disagrees

with Applicant's arguments; the examiner submits that Kalra discloses transmitting a

transmission message containing one or more useful data objects to a switching

component for forwarding to a first telecommunication device (fig. 1 and 2A; col. 4, lines

14-32; e.g. item 12 (multimedia data) transmitting to item 22 (multimedia device) via

item 14 (Adaptive digital streams format)). The examiner interprets transcoder 10 is a

(switching) component since it is transmitting a message from one point to another

point.

　　　　Applicant's Response, applicants also argue that "the cited art does

not show all the elements of the present Claims. b) creating a plurality of variants of the

one or more useful data objects in the switching component as a function of one or

more parameters." The Examiner respectfully disagrees with Applicant's arguments;

the examiner submits that Kalra discloses creating a plurality of variants of the one or

more useful data objects in the switching component as a function of one or more

parameters (fig. 2A, item 14A-14AN; col. 4 lines 15-35; various components; also see

col. 2, line 18-24). Also see "Operation of transcoder 10 will be explained hereinafter,

but is initially mentioned to clarify that the present invention can operate upon standard

digital multimedia data that is stored in one of a variety of formats, MPEG, YUV, and

BMP formats for digital video, VRML format for 3-D graphics and MPEG, WAV and

AIFF formats(col. 4, lines 1-30). For example, transcoder allows for the various

combinations of content and resolution that are tailored to match that of the specific

client computer, as a result optimal outcome possible.

　　　　Applicant's Response, applicants also argue that "At no time is any selection

process performed by the multimedia device 22. On the contrary, all selection

processes are performed by the stream management module 20". The Examiner

respectfully disagrees with Applicant's arguments; the examiner submits that Kalra,

discloses FIG. 13 illustrates communication between a single stream server 400 and a

single client computer 500 (col. 15, lines 1-30). As a result management module 20 will

be part of multimedia device 22.

Therefore, in view of the above reasons, the rejections are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

8.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

10.   Examiner's Note: Examiner has cited particular columns/paragraphs/pages and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

        Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARUNUR RASHID whose telephone number is (571) 270-7195. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph E. Avellino can be reached on (571) 272-3905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. R./
Examiner, Art Unit 2458

/Joseph E. Avellino/

Supervisory Patent Examiner, Art Unit 2458